

Amended MDR Tracking Number: M4-04-0955-02 (**Previously M4-04-0955-01**)

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on September 19, 2003.

This AMENDED FINDINGS AND DECISION supersedes all previous Decisions rendered in this Medical Payment Dispute involving the above requestor and respondent.

The Medical Review Division's Decision of March 12, 2004 was appealed by the Respondent; the Administration Law Judge of the State Office of Administrative Hearing subsequently remanded the matter to TWCC.

### **I. DISPUTE**

Whether there should be reimbursement for out of pocket expenses for prescription medications for dates of service 02/17/03 through 09/19/03. Neither party submitted EOBs and the insurance carrier did not respond to the Request for Medical Dispute Resolution.

### **II. FINDINGS**

An Order was rendered in favor of the Requestor. Counsel for the Respondent filed a written request to abate this case pending resolution of an unresolved issue regarding compensability and/or extent issues.

The TWCC database shows that there are active -21's on file with only one Benefit Review Conference (BRC) attempt; the injured worker has not pursued any further. Per Rule 133.307(e)(2)(D) if the carrier has raised a dispute pertaining to liability for the claim, compensability, or extent of injury, in accordance with §124.2, the request for Medical Dispute Resolution will be held in abeyance until the compensability/extent issues have been resolved through a BRC. The injured worker should contact their local field office to schedule a BRC.

### **III. AMENDED DECISION**

Based upon the review of the disputed healthcare services within this request, the Division has determined that there are active TWCC-21s on file disputing the extent of the injury; therefore, this dispute will be held in abeyance until such time the extent issues are resolved.

The above Amended Decision is hereby issued this 12 day of May 2005.

Marguerite Foster  
Medical Dispute Resolution Officer  
Medical Review Division

MF/mf